

process is going to do the best job of producing that type of an individual. I also think that there is no question but what there are better ways of selecting judges than running them through this political elective process. I think that the fact of the matter is that the merit system may not be perfect as has been pointed out here, but it is certainly better than any other alternative that we have. For this reason I feel that in considering the specialized function of the judicial system, in considering that this merit system is the best way of selecting that type of person, I do urge the support of this particular bill.

SPEAKER: Senator Fellman.

SENATOR FELLMAN: Mr. President, members of the legislature, I won't quote the state Senator who has just whispered to me and its not Senator Chambers who is just walking away, about 10 minutes ago somebody whispered back in the room here that it is about time I stand up and defend the rum-dumb lawyers of the state, and the rum-dumb judges. I would like to address myself as a member of that body of rum-dumbs and call out to your memories the situation that existed before we had the merit system in the state for district judges. I would submit to you that throughout the state of Nebraska today the quality of the bench, the district judges, is substantially higher and better than it was when the judges were uniformly elected. I know that is true in Omaha where I practice law. I know that is felt to be true by the lawyers of Omaha and by the people who maybe are not rum-dumbs who rely on what those judges do. There is no perfect system unless you would want to talk about our legislative system, and you can make the arguments if that is perfect. There is no way to remove politics from a process that is essentially involves compromise and the political process itself. Now lets not forget one basic fact. Every county judge was elected by the people. A lot of you who are opposed to putting these judges on the merit plan today are opposed because you dislike a particular judge or you think that a particular judge is not competent. Now ladies and gentlemen, if that is your feelings, that particular judge was elected. Now what we are talking about today is not the problem that occurred when this bill was first past. Then the fear was that one Governor would appoint 40 or 50 judges at one time. There is good reason to have avoided that. Today we are talking about retaining the judges that are there. Omaha in the case of a juvenile court judge, shows the judge that is unpopular can be defeated within the merit plan. The district courts throughout the states show the benefits...a... of the merit plan. I think that it is commonly agreed that it probably takes at least a couple of years for a person who becomes a judge to become fully qualified to sit as a judge because the work of a judge is different than the work of a lawyer. What we are talking about now is a question of improving the state judiciary in the area of the county courts to a higher plane than it now is. We are not talking about whether every judge is perfect. We are talking about removing from the need to please everybody that comes before a specific judge, and that is the need that many judges now feel. If you want to get judges out of politics then allow a man or a woman once he or she becomes a judge to perform the duties of a judge. The federal courts in this country are probably considered to be the outstanding example of the judicial process at any level of government. Those judges are all appointed, and they certainly come through the political process in terms